



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

July 10, 2014

REQUEST: City Council Bill #14-0384 / Urban Renewal – Middle East – Amendment #10:

For the purpose of amending the Urban Renewal Plan for Middle East to reauthorize the acquisition of properties within the Project Area and to remove certain properties from the list in Appendix D; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

RECOMMENDATION: Approval.

STAFF: Kate Edwards

PETITIONER(S): The Administration (Department of Housing and Community Development)

HISTORY

- The Middle East Urban Renewal Plan (URP) was established by Ord. #88-156, dated July 6, 1988.
- Amendment No. 9, dated February 28, 2011, was approved by the Mayor and City Council of Baltimore by Ordinance # 11-453, dated May 26, 2011.

CONFORMITY TO PLANS

This action is compatible with the City's Comprehensive Master Plan, LIVE section, Goal 1: Build Human and Social Capital by Strengthening Neighborhoods, Objective 2: Strategically Redevelop Vacant Properties Throughout the City.

ANALYSIS

Maryland Law Amendment: In July of 2007, an amendment to the Maryland Annotated Code, Real Estate, Title 12 was made that requires an action for condemnation to be filed within four years of an authorization for acquisition. If that cannot be accomplished, then the authorization must be renewed:

§ 12-105.1. Condemnation action to acquire private property.

- (a) Time limitation.- Notwithstanding any other provision of law, the State or any of its instrumentalities or political subdivisions shall file an action to acquire private property for public use by condemnation within 4 years of the date of the specific administrative or legislative authorization to acquire the property.
- (b) New authorization.- If an action for condemnation is not filed within 4 years of the date described in subsection (a) of this section, the State or any of its instrumentalities or political subdivisions may not proceed with condemnation until it first obtains a new authorization to acquire the property. [2007, ch. 305]

The effect of this change in the Maryland Annotated Code is that all Urban Renewal Plans (URPs) that have designated properties for acquisition and disposition that have not yet been acted upon now need to be expressly confirmed and reauthorized every four years, for the life of the URP. Therefore, since four years have nearly elapsed since the date of the previous reauthorization in 2011, amendments to several Urban Renewal Plans are necessary in order to reauthorize each URP's powers of acquisition and condemnation. With each reauthorization, those actions may legally continue beyond December 31, 2014. While these URPs are being amended, there are also technical amendments to some of the URPs to remove properties which have already been acquired and disposed of and an extension of the life of two of the URPs which would otherwise terminate on their own terms prior to the end of the reauthorization period. To that end, the Department of Housing and Community Development (HCD) has introduced a group of bills with the goal of adoption before the December 31, 2014 acquisition authority expiration, to ensure that the City's acquisition authority is seamless. The group includes the following bills:

- CCB #14-0384 - Urban Renewal – Middle East
- CCB #14-0385 - Urban Renewal - Johnston Square
- CCB #14-0386 - Urban Renewal - Oliver
- CCB #14-0387 - Urban Renewal - Park Heights
- CCB #14-0388 - Urban Renewal - Reservoir Hill
- CCB #14-0389 - Urban Renewal - Poppleton
- CCB #14-0390 - Urban Renewal - Druid Heights
- CCB #14-0391 - Urban Renewal – Coldstream Homestead Montebello
- CCB #14-0392 - Urban Renewal - Broadway East

Effects of the Bill: The changes proposed to this URP are technical in nature and are required to reauthorize the acquisition authority of the URP and to update the acquisition and disposition lists. The specific changes follow:

- In the Plan, amend C.1.e. to read: “e. THE AUTHORITY TO ACQUIRE THE PROPERTIES WITHIN THE PROJECT AREA IS EXPRESSLY CONFIRMED AND REAUTHORIZED THROUGH AND INCLUDING DECEMBER 31, 2018.” This is the express reauthorization of the acquisition authority for the next four year period. This does not materially affect the purposes of the URP, and is required to comply with the requirements of the State of Maryland under the Maryland Annotated Code, as outlined above.

- In the Plan, in Appendix D, delete several addresses from the list of properties (see attached list). This action removes properties of which the City has already disposed.

Community Notice: Article 13, *Housing and Urban Renewal*, is the section of the City Code that outlines the processes for establishment of and amendments to URPs. For new URPs, or major changes, § 2-6(d) outlines the notice procedures, and include postings within the neighborhood, and two newspaper notices (one per week for two weeks) prior to the first public hearing.

For amendments to URPs, under § 2-6(g)(3) the amending bills are required to go through the same procedure as for adoption, that is, a City Council ordinance process. However, “If the Planning Commission determines that the proposed amendment is a technical correction or a minor modification that would not substantially affect the Plan or the size, use, or disposition of any property subject to the Plan, the proposed amendment need not be posted or advertised as otherwise required by subsection (d) of this section.”

Minor Modifications: The amendments proposed to these URPs are necessary to extend the time allowed for the City to continue with implementation of these plans through the acquisition of designated properties. Additionally, where the city has already disposed of designated properties the acquisition and disposition lists have been updated to remove those properties.

Staff recommends that the Planning Commission make and adopt the following finding:

- That the amendments to the URP as proposed in this bill are technical in nature, and they do not substantially affect the Plan, its size, or the use or disposition of any property subject to the Plan.

Staff Notification: Staff notified 31 community organizations of today’s hearing.

A handwritten signature in black ink, appearing to read "Thomas J. Stosur", written in a cursive style.

Thomas J. Stosur
Director

The following properties have been acquired and disposed by MCC and should be removed from the **Middle East** Urban Renewal Plan:

Appendix D

2100 Ashland
2106 Ashland
2108 Ashland
2110 Ashland
2112 Ashland
2114 Ashland
2116 Ashland
2118 Ashland
2120 Ashland
2122 Ashland
2124 Ashland
2126 Ashland
2202 Ashland
2204 Ashland
2206 Ashland
2208 Ashland
2210 Ashland
2212 Ashland
2214 Ashland
2216 Ashland
2218 Ashland
2220 Ashland

1718 E Chase
1722 E Chase
1921 E Chase

901-903 N Chester

905 N Chester
907 N Chester
909 N Chester
911 N Chester
915 N Chester
917 N Chester
919 N Chester
921 N Chester
923 N Chester
925 N Chester
927 N Chester
929 N Chester
931 N Chester
933 N Chester
935 N Chester
937 N Chester
939 N Chester
941 N Chester
943 N Chester
945 N Chester
947 N Chester
949 N Chester
951 N Chester

953 N Chester
955 N Chester
957 N Chester
959 N Chester
961 N Chester
963 N Chester
965 N Chester
967 N Chester
969 N Chester
971 N Chester

901 N Collington
903 N Collington
905 N Collington
907 N Collington
909 N Collington
911 N Collington
913 N Collington
914 N Collington
915 N Collington
916 N Collington
917 N Collington
918 N Collington
919 N Collington
920 N Collington
921 N Collington
922 N Collington
923 N Collington
924 N Collington
925 N Collington
926 N Collington
927 N Collington
928 N Collington
929 N Collington
930 N Collington
931 N Collington
932 N Collington
933 N Collington
934 N Collington
935 N Collington
936 N Collington
937 N Collington
938 N Collington
939 N Collington
940 N Collington
941 N Collington
942 N Collington
943 N Collington
944 N Collington
945 N Collington
946 N Collington
947 N Collington
948 N Collington
949 N Collington
950 N Collington
956 N Collington

957 N Collington
958 N Collington
959 N Collington
960 N Collington
961 N Collington
962 N Collington
963 N Collington
964 N Collington
965 N Collington
966 N Collington
967 N Collington
968 N Collington
969 N Collington
970 N Collington
971 N Collington

901 N Duncan
903 N Duncan
905 N Duncan
907 N Duncan
911 N Duncan
913 N Duncan
915 N Duncan
916 N Duncan
917 N Duncan
918 N Duncan
920 N Duncan
921 N Duncan
922 N Duncan
924 N Duncan
926 N Duncan
927 N Duncan
928 N Duncan
929 N Duncan
931 N Duncan
932 N Duncan
933 N Duncan
939 N Duncan
940 N Duncan
942 N Duncan
944 N Duncan
948 N Duncan
950 N Duncan
951 N Duncan
953 N Duncan
954 N Duncan
2200 E Eager
2201 E Eager
2202 E Eager
2208 E Eager
2210 E Eager
2216 E Eager
2218 E Eager
2224 E Eager
2226 E Eager
2228 E Eager

2232 E Eager

901 N Madeira
903 N Madeira
904 N Madeira
905 N Madeira
906 N Madeira
907 N Madeira
908 N Madeira
909 N Madeira
911 N Madeira
912 N Madeira
913 N Madeira
918 N Madeira
920 N Madeira
923 N Madeira
924 N Madeira
925 N Madeira
926 N Madeira
927 N Madeira
928 N Madeira
929 N Madeira
930 N Madeira
931 N Madeira
932 N Madeira
933 N Madeira
934 N Madeira

830 N Patterson Park
832 N Patterson Park

1005 N Washington